

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 9, 1998

DIVISION ONE

B125181 Mendez (Not for Publication)

v.

Superior Court, Los Angeles County
(The People, r.p.i.)

The Court:

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order of August 4, 1998, granting the petition of the People to set aside the municipal court's order dismissing petitioner's prior conviction allegations and granting petitioner probation, and thereafter make a new and different order, denying the People's petition and reinstating the municipal court order dismissing petitioner's prior felony conviction allegations and granting petitioner probation, in Los Angeles Superior Court case No. LA028481, entitled The People v. Hector Alfredo Mendez.

Spencer, P.J., Vogel (Miriam A.), J., Masterson, J.

DIVISION THREE

B124630 Los Angeles County, D.C.S. (Not for Publication)

V.

Bunny C.

The appeal is dismissed.

Klein, P.J.

We concur:

Kitching, J.
Aldrich, J.

DIVISION THREE (Continued)

B124333 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Augustine R.

The appeal is dismissed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B119209 People (Not for Publication)
 v.
 Miller

The order is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B123384 People (Not for Publication)
 v.
 Lee

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

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The judgment (order revoking probation) is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FIVE

B112579 Robert Conrad Fenton, et al. (Not for Publication)
v.
Century 21 Real Estate Corp., et al.

The judgment of dismissal is affirmed. Defendants, Century 21 Real Estate Corp., Century 21 of the Pacific, Inc., and Century 21 Real Estate #1, Inc., are to recover their costs on appeal from plaintiffs, Robert Conrad Fenton, Jr. and Elizabeth Fenton, individually, and as trustees of The Robert Conrad Fenton, Jr. and Elizabeth Fenton Trust.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

DIVISION FIVE (Continued)

B118662 People (Not for Publication)
v.
Pedro Torres

The judgment is modified to reflect the \$200 Penal Code sections 1202.4, subdivision(b)(1) and 1202.45 restitution fines discussed in the body of this opinion. Upon issuance of the remittitur and imposition of the additional \$200 Penal Code section 1202.45 fine, the superior court clerk is to issue an amended abstract of judgment which reflects both restitution fines and the revised presentence credits and forward it to the Department of Corrections. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

[illegible]

The abstract of judgment is ordered modified to state that a \$5,000 restitution fine was imposed pursuant to section 1202.4, and that an additional \$5,000 fine was imposed, but suspended, pursuant to section 1202.45. The judgment as modified is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION FIVE (Continued)

B115811 People (Not for Publication)
v.
Earl Wayne Westbrook

The finding that the defendant was found to have served six prior prison terms is modified to reflect that he served three prior prison terms. Three of the prior prison term allegations are ordered dismissed. The finding that the conviction in case No. A014334 involved a serious felony is reversed and the allegation to that effect is ordered dismissed. The judgment is modified to reflect the imposition of an additional \$4,000, a restitution fine pursuant to Penal Code section 1202.45. Both \$4,000 restitution fines are to be set forth on the abstract of judgment. The superior court clerk is to prepare an amended abstract of judgment which sets forth in paragraph 6, the imposition of both restitution fines each in the sum of \$4,000. The clerk is then to forward the corrected abstract of judgment to the Department of Corrections. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

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The abstract of judgment is modified to include: a \$400 parole revocation fine pursuant to Penal Code section 1202.45, which will be suspended until such time as appellant might be placed on parole and have that parole revoked; a restitution fine of \$400 pursuant to Penal Code section 1202.4, subdivision (b); a lab analysis fee of \$50 pursuant to section 11372.5; a state penalty assessment of \$50 pursuant to Penal Code section 1464, subdivision (a); and a county penalty assessment of \$35 pursuant to Government Code section 76000. The judgment as modified is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION FIVE (Continued)

B116098 People (Not for Publication)
v.
Antonio F. Lagunas

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B120508 Los Angeles County, D.C.S. (Not for Publication)
v.
Keturah H.

The order terminating parental rights is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B121148 People (Not for Publication)
v.
Jason B.

The judgment (order of wardship) is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B117873 Stewart R. Nickless, et al. (Not for Publication)
 v.
 Mercury Casualty Company, et al.

The judgment is affirmed. Respondents Mercury Casualty Company, Mercury Insurance Company, and The Mercury Companies are awarded their costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B121490 People (Not for Publication)
 v.
 Michael Carter

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Godoy Perez, J.

B121264 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Rosalinda D.

The trial court order is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B114239 Marvin Wright (Not for Publication)
v.
City of Lynwood, et al.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B118714 Mark Lueker (Not for Publication)
v.
Ernesto Bues, et al.

The judgment is reversed. The matter is remanded to the trial court to consider whether the presumed remedy of specific performance should be ordered under the facts of this case as presented to the court at trial. Appellant to recover costs on appeal.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B115435 Wyatt (Not for Publication)
v.
Taxpayer's Representation Services

The judgment is affirmed. Plaintiffs are to recover their costs of appeal.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

DIVISION SIX

B121370 Neel (Certified for Publication)
v.
Workers Compensation Appeals Board

The decision of the Board is annulled and the matter is remanded for further proceedings consistent with this opinion.

Stone, P.J.

We concur: Gilbert, J.
 Coffee, J.

B120178 Walker-Pena (Not for Publication)
v.
Scalice

Respondent's request for sanctions is denied. The judgment (order denying arbitration) is affirmed. Respondents are awarded costs on appeal.

Yegan, J.

We concur: Stone, P.J.
Gilbert, J.

DIVISION SEVEN

[illegible]

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

DIVISION SEVEN (Continued)

B116100 People (Not for Publication)
v.
Bell

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
 Neal, J.

[illegible]

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.